

1 PARRA VICTOR  
2 CDC No. P-58682  
3 P.O. Box. 799002  
4 San Diego CA. 92179  
5 In pro se

FILED

2008 AUG 19 AM 8:04

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY Ron DEPUTY

NUNC PRO TUNC

AUG 15 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 VICTOR PARRA

12 Petitioner

13 v.

14 JAMES TILTON, Warden et.al.,  
15 Respondents.

Case No. 08CV0472 J (LSP)

TRAVERSE/DENIAL AND EXCEPTION TO  
RESPONDENT AMENDED ANSWER.

17 For his denial and exception to the return to the order to answer respondents  
18 opposition Petitioner states:

19 Exception

20 Respondent has failed to set forth sufficient facts or law to show why the  
21 relief requested in the petition should not be granted.

22 Denial

23 1. Petitioner admits for purposes of this action that a stay of the petition is  
24 not necessary and that the tolling provisions as explained by respondent are  
25 correct, the present petition was timely filed.

26 2. Petitioner denies he has a lengthy criminal history.

27 3. Petitioner denies the alleged victim suffered great bodily harm.

28 4. Petitioner denies any sentencing error was harmless.

CR

1           5. Petitioner denies he is lawfully incarcerated within custody of the California  
2 Department of Corrections

3           Petitioner realleges all the allegations, contained at the memorandum of points  
4 and authorities set forth in the petition.

5           Wherefore, Petitioner requests that the relief prayed for in the petition should  
6 be granted.  
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8           Dated: August 11, 2008

Respectfully Submitted

Victor Parra

In pro se.

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## VERIFICATION

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

Case No. 08cv0472 J (LSP)

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, Victor Parra DECLARE UNDER PENALTY OF PERJURY  
THAT: I AM THE Petitioner IN THE ABOVE ENTITLED ACTION;  
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS  
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND  
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 11 DAY OF August 2008 AT Richard J.  
Donovan Correctional Facility, 480 Alta Road, San Diego CA. 92179-9002

(SIGNATURE) Victor Parra  
(DECLARANTIPRISONER)

## PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, Victor Parra AM A RESIDENT OF Richard J. Donovan Corr. Fac. San Diego  
County STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM NOT  
A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 799002, San Diego  
CA. 92179.

ON August 11 2008 I SERVED THE FOREGOING: Traverse/ Denial and  
Exception to Respondent amended Answer.

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S),  
WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED  
AT 480 Alta Road. San Diego CA. 92179-9002

(To the Clerk)  
U.S. District Court  
Southern District of California  
880 Front Street, Suit 4290  
San Diego CA. 92179  
92101-8900

Bradley A. Weinreb  
Deputy Attorney General  
110 West A. Street, Suite 1100  
San Diego CA. 92101  
P.O. Box. 85266  
San Diego CA. 92186-5266

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS  
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: August 11, 2008

Victor Parra  
(DECLARANTIPRISONER)